

IN SENATE OF THE UNITED STATES,

JANUARY 2, 1824.

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Read, and ordered to be printed.

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MR. HOLMES, of Maine, from the Committee on the Judiciary, to whom was referred the petition of Josiah Hook, jun. Collector of the District of Castine, praying relief from a judgment recovered against him in the Supreme Judicial Court of Massachusetts, by Josiah Hoit,

REPORTED:

That the petitioner, being Collector of Penobscot, did, on the 20th September, 1814, in the due execution of his office, seize twenty-one oxen, one heifer, and one steer, as forfeited to the United States for an attempt to transport them to the territory of the enemies of the United States, to supply them with provisions; that these cattle were duly libelled in the District Court of the United States for the district of Maine; and that, by an interlocutory decree of said court, the cattle were sold at auction, and the proceeds deposited in the Cumberland Bank; and afterwards, by a final decree of said court, the same proceeds, (after deducting the expenses, amounting to \$153 37,) were paid over to Josiah Hoit. Hoit afterwards commenced an action of trespass against the petitioner, in the Court of Common Pleas for the county of Hancock; and, on an appeal to the Supreme Judicial Court, Hoit recovered judgment against the petitioner for \$897 82, damage, and \$60 73 costs. The petitioner sued out a writ of review on the judgment; and, at the June term of said Supreme Judicial Court, in 1818, on a special verdict, the judgment was affirmed, with \$6 46 costs; all which the petitioner has paid.

It further appeared, that judgment was rendered in the District Court, on a verdict of the jury, in favor of Hoit, the claimant; but the judge certified that there was reasonable cause of seizure.

It appeared that, at that time, on that frontier, it was extremely difficult to detect and convict those who violated the law by feeding the enemy; and that Hoit was, at the time of the payment of the judgment to him, insolvent, and in jail for smuggling; and that a remedy, by writ of error, to the Supreme Court of the United States, would have been of no benefit, but a great additional expense to the petitioner.

Your committee are, therefore, of the opinion, that the prayer of the petitioner ought to be granted, and they report a bill accordingly.

